

COLORADO MEDICAL BOARD

FULL BOARD OPEN MINUTES

**November 17, 2011
9:10 a.m.**

A Full Board meeting of the Colorado Medical Board was held Thursday, November 17, 2011, at 1560 Broadway, Conference Room 1250C, Denver, Colorado at 9:10 a.m. The meeting was noticed in accordance with Division policy.

Present were Mr. Berson, Dr. Butler, Dr. Groce, Ms. Hewitt, Mr. Jennings (departed at 12:31 p.m.), Mr. Kirkpatrick, Dr. Matthews, Dr. Overholt, Dr. Salvatore (departed at 12:57 p.m.), Dr. Utt and Dr. Watts.

The meeting was conducted by Dr. Watts.

Also in attendance for all or part of the meeting were Marschall S. Smith, Program Director, Lisa Jackson, Enforcement Program Manager, CMB; Monica Brion, Enforcement Case Manager, CMB; Maria Soto, Program Assistant, CMB; and Eric Maxfield, First Assistant Attorney General.

MINUTES

A motion was made, seconded, and carried to approve the open minutes of the August 18, 2011 full board meeting as presented.

REPORTS

President's Report

- Dr. Watts encouraged the Board members to take advantage of the leadership opportunities offered by the FSMB in their Journal of Medical Regulation.
- He noted the appointment of new Board members, Dr. Parry and Dr. Raggio.
- He thanked Dr. Calonge for his years of outstanding service to the Board.
- He facilitated a discussion regarding Board Rule 140.
- He spoke to restarting the standing committees.
- He noted the Board members would be undertaking a review of existing CMB policies and rules to determine if changes were needed.
- He congratulated Marschall Smith for his 2nd year anniversary as Program Director of the Medical and Podiatry Boards.

Section Director's Report

- None

Program Director's Report

- The Program Director updated the Board regarding newly appointed and reappointed Board members and Board members who completed their terms: Dr. Watts and Mr. Schoenmakers have been reappointed. Dr. Calonge has completed his term. Dr. Parry, adult neurologist and Dr. Raggio, OB/GYN are the two newest Board members who will serve on Panel B.
- He also gave an update regarding Board Staff. He said he is proud of his staff. We received approval for 1FTE, Lorre Hartdige who will be handling Panel A.
- He provided an update on the CMB budget. Legal expenses are again being closely monitored.
- Peer Review is currently undergoing sunset review at the legislature. A copy of the report is available online. The Board requested a presentation from DORA – OPPRR at its next meeting in February 2012.
- He provided an update on the FSMB Maintenance of Licensure pilot project. The project continues to make progress, with the development of three (3) pilot aspects; 1. Systems, 2. Implementation, 3. Continuing Professional Development.
- A request was made of the Board to authorize the Program Director, in consultation with the Office of Attorney General, to enter into discussions with Licensees who received public disciplinary stipulations for physical or mental impairments – these same physicians would now qualify for a Confidential Agreement, authorized in the Medical Practice Act, section 12-36-118.5.

GENERAL BUSINESS

CPHP First Quarter Report for period ending September 30, 2011

The Board reviewed the September 30, 2011 First Quarter Report.

A motion was made, seconded and carried to accept the report.

Authorizing the Program Director to represent the Board in discussions regarding Confidential Agreements

A request was made by the Program Director for authorization to represent the Board in this matter during discussions. Final authority would continue to reside with the Board.

A motion was made, seconded, and carried to authorize the Program Director to represent the Board in this matter.

Confidential Hospital Reporting Statistics for Actions Taken in 2010

The Board reviewed a Memo from Board staff reporting the statistics for actions taken in 2010.

The memo was provided for the Board's information. No action was requested or taken.

Report regarding February 2011 revisions made to Policy 10-01

The Program Director facilitated a discussion regarding Board Policy 10-01.

Information, a memo from staff, and proposed changes were presented to the Board.:

The Board engaged in a review and discussion of the recommended policy changes.

After due consideration and discussion, a motion was made, seconded and carried to reject the proposed amendments to Board Policy 10-01. Mr. Berson, Dr. Salvatore, and Dr. Watts opposed the motion.

Presentation from Rose McCool, Division Director

Ms. McCool informed the Board members that she will be retiring the end of the year, December 31, 2011. She thanked the Board members for their contributions to the Colorado Medical Board. She also talked about the Division's accomplishments for the last 10 years and about the upcoming challenges.

A motion was made, seconded, and carried offering Ms. McCool the Board's thanks and appreciation for her support and dedication.

Presentation from Affiliated Monitors

Vincent L. DiCianni, President, Allan Liebgott, M.D., and Debbie Waugh, LCSW, from Affiliated Monitors, Inc., presented to the Board regarding the services Affiliated Monitors offers.

The presentation was provided for the Board's information. No action was requested or taken.

PUBLIC RULEMAKING HEARING

At 10:30 a.m. an announcement was made that, unless an objection was expressed, the rulemaking for Board Rule 285 and Board Rule 120 would start at 11:00 a.m. No objections were made.

Colorado Medical Board Rule 120

A motion was made, seconded and carried to convene the public rulemaking hearing at 11:00 a.m. for consideration of Board Rule 120. The Hearing was properly noticed under the provisions of the Administrative Procedure Act.

Dr. Watts presented an overview of the proposed changes to the rule. A full opportunity was provided for submission of oral and written comments by the public. There were no written comments provided before or during the Hearing. No one appeared to present to the Board.

A motion was made, seconded, and carried to close the Public Rulemaking Hearing for Board Rule 120.

The Hearing for Board Rule 120 closed at 11:04 a.m.

After due consideration of the information provided and discussion, a motion was made, seconded and carried to modify Board Rule 120 as amended.

Colorado Medical Board Rule 285

A motion was made, seconded and carried to convene the public rulemaking hearing at 11:05 a.m. for consideration of Board Rule 285. The Hearing was properly noticed under the provisions of the Administrative Procedure Act.

Dr. Watts presented an overview of the proposed rule. A full opportunity was provided for submission of oral and written comments by the public. There were two written comments received in advance of the hearing regarding Board Rule 285. The Board also provided time to the public for comments. No one appeared to present to the Board.

A motion was made, seconded, and carried to close the Public Rulemaking Hearing for Board Rule 285.

The Hearing for Board Rule 285 closed at 11:08 a.m.

Dr. Calonge was asked to provide information to the Board prior to its discussion of the proposed Board Rule 285. After due consideration of the information provided and a discussion, a motion was made, seconded and carried to adopt new Board Rule 285 as amended.

General Discussion Items

Disciplinary Considerations Related to Lapsed Licenses

The Office of Attorney General provided legal advice concerning the handling of discipline in relation to lapsed licenses.

Trauma Center Designations by CDPHE

Dr. Watts presented information about a process being implemented by CDPHE and the possible impact on decision making by physicians. The discussion was for the Board's information with no action requested or taken.

Distinguished Foreign Teaching Licenses and Board Rule 140

The Program Director presented information about concerns from the Licensing Panel on the matter. A general discussion took place. A motion was made, seconded, and carried instructing staff to obtain additional information to be presented to the Board at its February 2012 meeting.

Other Business

Board member request for action.

Mr. Jennings suggested the Board consider a policy or rule regarding “Defining Physician Impairment” to be presented to the Board at its February 2012 meeting. A motion was made, seconded, and carried granting Mr. Jennings request.

Office of Attorney General

First Assistant Attorney General Eric Maxfield updated the Board about staffing matters, first that AAG Charmaine Cheung Rose has left for another assignment within the Attorney General’s office. AAG Allison Ailier has been assigned to the CMB team.

ADJOURNMENT

There being no further business, the meeting was adjourned at 1:26 p.m.

Approved by: Mark C. Watts, M.D.

Date: November 17, 2011